

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:	Matthew M. Terry	Docket No.:	3053.136.US
Serial No.:	10/526,416	Confirmation No.:	3094
Filing Date:	03/02/2005	Examiner:	S. Johnson
Customer No.:	26474	Art Unit:	3641

For: *BLAST AND BALLISTIC PROTECTION SYSTEMS AND METHODS OF
MAKING SAME*

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SUPPLEMENTAL APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Sir:

This is a response to the Notification of Non-Compliant Appeal Brief mailed April 11, 2008. The Notification alleges that the Brief filed April 1, 2008 is defective because it does not identify the appealed claims. This assertion is traversed as the Brief identifies claims 1-9, 12-14, and 16-38 as being the claims on appeal. Thus, to reiterate, claims 1-9, 12 -14 and 16-38 are involved in this appeal.

The Notification further alleges that the Brief “fails to argue each independent claim separately, which shall refer to the specification by page and line number and to the drawings, if any.” This allegation is traversed, for the reasons that (1) the Brief fully complies with the requirement of 37 CFR § 41.37(c)(1)(v) for a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, with reference to the specification by paragraph number of the published application and to the drawings by reference character (see Brief, pp. 2-3); and (2) the Brief fully complies with the requirement of 37 CFR § 41.37(c)(1)(vii) for the contentions of Appellant with respect to each ground of rejection presented for review. This section of the regulation explicitly permits Appellant to argue claims separately or as a group, for each ground of rejection that applies to two or more claims. See 37 CFR § 41.37(c)(1)(vii). Thus, the

Notification apparently imposes a requirement on Appellant to argue each independent claim separately, that is not required by the actual Rule and thus is improper.

Conclusion

The Brief filed April 1, 2008 is in compliance with the requirements of 37 CFR § 41.37(c). The claims involved in the appeal are claims 1-9, 12-14, and 16-38 as stated. The Brief contained all contentions of the Appellant with respect to each separate ground of rejection as required. There is no requirement to "argue each independent claim separately" as alleged in the Notification. Withdrawal of the holding of non-compliance and forwarding of the Brief to the Examiner for preparation of an Examiner's Answer are earnestly requested.

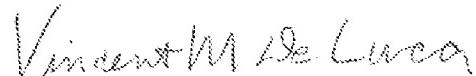
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Respectfully submitted,

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